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MAY 13 2005  
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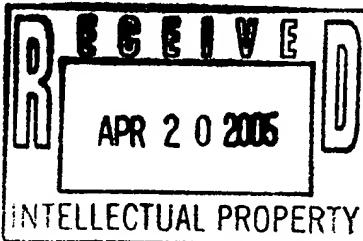
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Mindrum 05098

VCM

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,555	01/17/2002	Gordon Scott Mindrum	0103085-0519322	8685

26874 7590 04/18/2005  
FROST BROWN TODD, LLC  
2200 PNC CENTER  
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CINCINNATI, OH 45202



EXAMINER	
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HAILU, TADESSE

ART UNIT	PAPER NUMBER
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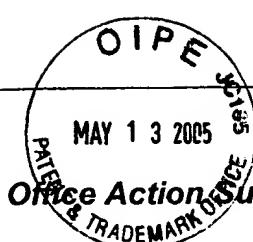
2173

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Date Rec'd: 4-10-05  
Next Action: RESPONSE OA  
Due Date: 7-18-2005  
Docketed by: SLM  
Case No: \_\_\_\_\_

Date Rec'd: 4-10-05  
Next Action: Notice of Appeal  
Due Date: 7-18-05  
Docketed by: SLM  
Case No: \_\_\_\_\_



MAY 13 2005

Office Action Summary

	Application No.	Applicant(s)
	10/051,555	MINDRUM, GORDON SCOTT
Examiner	Art Unit	
Tadesse Hailu	2173	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 January 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 39-64 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 39-64 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/28/05.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This Office Action is in response to the Amendment entered on January 28, 2005 for the patent application number 10/051,555.
2. This Application is a continuation of U.S. Application No. 09/016,825 filed January 30, 1998, which claims the benefit of U.S. Provisional Application No. 60/037,010 filed January 31, 1997.
3. The Information Disclosure Statement submitted on January 28, 2005 is considered and entered into the file.
4. Applicant canceled claims 1 through 38 and added new claims 39 through 64.

***Claim Objections***

5. Claim 46 objected to because of the following informalities: Numbering of claim 46 is shown twice in the claim section, as a result the Examiner renumbered claims 46-63 to read claims 47-64.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 39-40, 42, 44-47, 51, 52, 54-58, and 60-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Assisi (U.S. Pat. No. 5,696,488).

With regard to claims 39, 52 and 61:

Assisi discloses a system (see **FIGURE**) for presenting information relating to a deceased person (see Abstract), the system comprising:

a computer readable medium (6) comprising data representing biographical information (personal information) relating to a deceased person, wherein the deceased person is associated with a cemetery (column 1, lines 31-62);  
a processor (5) in communication with the computer readable medium (6), wherein the processor is operable to receive a request (via data cable 4) for at least a portion of the biographical information relating to the deceased person from a user (user of communication apparatus 3) located within the cemetery (see column 1, lines 63-column 2, lines 6, **FIGURE**);

a transmitter (2) in communication with the processor (5), the transmitter (2) being operable to transmit at least a portion of the requested biographical information relating to the deceased person, wherein the transmitter is located at a transmission location within the cemetery (see Abstract, column 2, lines 15-22, **FIGURE**); and

a device (3) operable to present at least a portion of the requested biographical information to the user (user of communication apparatus 3) located within the cemetery

(see FIGURE), wherein the transmitter (2) is further operable to transmit at least a portion of the requested biographical information relating to the deceased person to the device (3) in response to the request for at least a portion of the biographical information relating to the deceased person (see Abstract, column 2, lines 23-30, FIGURE).

With regard to claim 40:

Assisi further discloses that said computer readable medium (6) is located within the cemetery (see FIGURE).

With regard to claim 42:

Assisi further discloses that said deceased person has a grave site (see FIGURE) located within the cemetery, wherein at least one of the computer readable medium (6) or the transmission (2) location is located at or proximate to the grave site (see FIGURE).

With regard to claim 44:

Assisi further discloses that said computer readable medium (6 and/or 6') further includes biographical information relating to a plurality of deceased persons (column 2, lines 16-22).

With regard to claim 45:

Assisi further discloses that said device (3) comprises a portable electronic device (Abstract, column 1, lines 52-62).

With regard to claim 46:

Assisi further discloses providing the portable electronic device (3) to the user for a limited time (column 2, lines 3-6, column 2, lines 26-30).

With regard to claim 47:

Assisi further discloses that portable electronic device comprises at least one of a personal digital assistant (3) or a laptop computer (Abstract, column 1, lines 52-62).

With regard to claim 51:

Assisi further discloses that said at least a portion of the requested biographical information relating to the deceased person is transmitted to the device (3) wirelessly (Abstract, column 1, lines 52-62).

With regard to claim 53:

Assisi further discloses that said computer readable medium (6) is part of a computer system located within a cemetery office (7) located within the cemetery (see FIGURE, column 2, lines 15-22).

With regard to claim 54:

Assisi further discloses a grave site (see FIGURE) for the deceased person, wherein at least one of the computer readable medium (6) or transmitter (2) is located proximate to the grave site.

With regard to claim 55:

Assisi further discloses that said gravesite comprises a coffin (column 2, lines 12-15) wherein the at least one of the computer readable medium (6) or transmitter (2) is located in the coffin.

With regard to claim 56:

Assisi further discloses that said grave site comprises a head stone (1), wherein the at least one of the computer readable medium (6) or transmitter (2) is located in the head stone (1).

With regard to claim 57:

Assisi further discloses that said computer readable medium (6 and/or 6') further includes biographical information relating to a plurality of deceased persons (column 2, lines 15-22).

Assisi further discloses that said device comprises a portable electronic device (3) (Abstract).

With regard to claim 60:

Assisi further discloses that said transmitter (2) is operable to transmit the at least a portion of the requested biographical information relating to the deceased person to the device wirelessly (column 1, lines 52-62, column 2, lines 23-29).

With regard to claim 62:

Assisi further discloses that said transmitted biographical information relating to the deceased person is transmitted from a transmission (2) location within the cemetery (see column 1, lines 31-40, FIGURE).

With regard to claim 63:

Assisi further discloses that said device (3) is electronic and portable (Abstract, column 1, lines 52-63).

With regard to claim 64:

Assisi further discloses that said computer readable medium (6 and /or 6')

comprises data representing biographical information relating to a plurality of deceased persons (column 2, lines 16-22).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 41, 43, 48-50, 53 and 59 rejected under 35 U.S.C. 103(a) as being unpatentable over Assisi (U.S. Pat. No. 5,696,488) in view of Evans, III (U.S. Pat. No. 5,732,231).

With regard to claim 48:

Assisi discloses a computer readable medium located (6) within a Control Storage Chamber (7) located within the cemetery (see FIGURE).

With regard to claim 49:

Assisi also discloses a device comprises a Control Storage Chamber (7) located within the cemetery (see FIGURE).

With regard to claim 50:

Assisi also discloses said transmission (2) location comprises a Control Storage Chamber (7) located within the cemetery (see FIGURE).

With regard to claim 59:

Assisi further discloses Control Storage Chamber (7) located within the cemetery, wherein the Control Storage Chamber (7) comprises at least one of the computer readable medium (6), the transmitter (2), or the device (3) (see FIGURE).

In the above claims, While Assisi discloses Control Storage Chamber (7) centrally located within the cemetery (column 2, lines 16-22), but Assisi does not expressly describe such Central Storage Chamber as a kiosk , which is required in claims 48-50 and 59.

Furthermore, while Assisi discloses a computer readable medium storage (6) and transmission (2) located with a cemetery, but Assisi does not expressly disclose cemetery office located in the cemetery as required by claims 41, 43 and 53.

However, Evans III (Evans) discloses an apparatus located in a funeral establishment (funeral home or cemetery office column 1, lines 60-63) for displaying information about a deceased person, wherein information is presented to the user in terminal display designed in a kiosk fashion (Figs. 2-4, column 2, lines 50-67, column 3, lines 42-67).

Evans and Assisi are analogous art because they are from the same field of endeavor, presenting information about a deceased person.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the control storage chamber (7) of Assisi with the *terminal display* of Evans because such *terminal display* at least allows entry or retrieval of information about the deceased from distant sites (e.g., Internet) so family members

and others unable to visit the deceased can have information (Evans, column 2, lines 14-20).

Therefore, it would have been obvious to combine Assisi with Evans to obtain the invention as specified in claims 41, 43, 48-50, 53 and 59.

***Response to Arguments***

7. Applicant's arguments with respect to claims 39-64 have been considered but are moot in view of the new ground(s) of rejection.

**CONCLUSION**

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

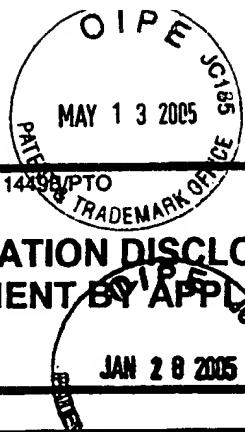
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

10. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Examiner Tadesse Hailu  
Art Unit 2173 - Operator Interface  
4/4/05





MAY 13 2005

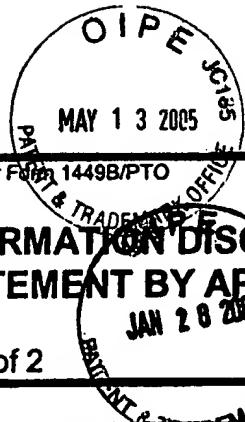
PTO/SB/08A and 08B (modified)

Substitute for Form 14-56 (PTO-1456) TRADEMARK OFFICE		Complete if Known
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		<b>Application Number</b> 10/051,555
		<b>Filing Date</b> 01/17/2002
		<b>First Inventor</b> Mindrum, G. Scott
		<b>Art Unit</b> 2173
		<b>Examiner Name</b> Hailu, Tadesse
		<b>Attorney Docket No.</b> 0103085 - 0519322

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

Examiner Signature	<i>Tadree Hall</i>	Date Considered	4-4-05
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MAY 13 2005

PTO/SB/08A and 08B (modified)

Substitute for Form 1449B/PTO U. S. TRADEMARK OFFICE SEARCHED JAN 28 2005 SEARCHED Sheet 2 of 2	<p align="center"><i>Complete if Known</i></p> <table border="1"> <tr> <td><b>Application Number</b></td> <td>10/051,555</td> </tr> <tr> <td><b>Filing Date</b></td> <td>01/17/2002</td> </tr> <tr> <td><b>First Inventor</b></td> <td>Mindrum, G. Scott</td> </tr> <tr> <td><b>Art Unit</b></td> <td>2173</td> </tr> <tr> <td><b>Examiner Name</b></td> <td>Hailu, Tadesse</td> </tr> <tr> <td><b>Attorney Docket No.</b></td> <td>0103085 - 0519322</td> </tr> </table>	<b>Application Number</b>	10/051,555	<b>Filing Date</b>	01/17/2002	<b>First Inventor</b>	Mindrum, G. Scott	<b>Art Unit</b>	2173	<b>Examiner Name</b>	Hailu, Tadesse	<b>Attorney Docket No.</b>	0103085 - 0519322
<b>Application Number</b>	10/051,555												
<b>Filing Date</b>	01/17/2002												
<b>First Inventor</b>	Mindrum, G. Scott												
<b>Art Unit</b>	2173												
<b>Examiner Name</b>	Hailu, Tadesse												
<b>Attorney Docket No.</b>	0103085 - 0519322												

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>4</sup>
TH		Office Action dated 05/07/2003 for U.S. Application Serial No. 09/829,863, filed 04/10/2001	
TH		Office Action dated 01/09/2004 for U.S. Application Serial No. 09/829,863, filed 04/10/2001	
TH		Office Action dated 03/25/2004 for U.S. Application Serial No. 09/829,863, filed 04/10/2001	
	</td		

**\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.**

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	<i>Tedese Hunter</i>	Date Considered	4-4-05
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**Notice of References Cited**

		Application/Control No.	Applicant(s)/Patent Under Reexamination		
		10/051,555	MINDRUM, GORDON SCOTT		
Examiner		Art Unit		Page 1 of 1	
Tadesse Hailu		2173			

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-5,696,488	12-1997	Assisi, Ramin	340/539.11
B	US-5,983,200	11-1999	Slotnick, Benjamin	705/26
C	US-			
D	US-			
E	US-			
F	US-			
G	US-			
H	US-			
I	US-			
J	US-			
K	US-			
L	US-			
M	US-			

**FOREIGN PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
N					
O					
P					
Q					
R					
S					
T					

**NON-PATENT DOCUMENTS**

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)	
U		
V		
W		
X		

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.